

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: H1/22/03 H1/22/03 H1/31/03

A Bill

HOUSE BILL 1087

5 By: Representative Hutchinson
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For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS CODE § 9-14-107 TO
10 REQUIRE NONCUSTODIAL PARENTS TO NOTIFY THE COURT
11 OF MATERIAL CHANGES IN INCOME; AND FOR OTHER
12 PURPOSES.
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Subtitle

15 AN ACT TO AMEND ARKANSAS CODE § 9-14-107
16 TO REQUIRE NONCUSTODIAL PARENTS TO
17 NOTIFY THE COURT OF MATERIAL CHANGES IN
18 INCOME.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code § 9-14-107 is amended to read as follows:
25 9-14-107. Change in payor income warranting modification.

26 (a)(1) A change in gross income of the payor in an amount equal to or
27 more than twenty percent (20%) over a six (6) month period since the last
28 court order or more than one hundred dollars (\$100) per month shall
29 constitute a material change of circumstances sufficient to petition the
30 court for review and adjustment of the child support obligated amount
31 according to the family support chart after appropriate deductions.

32 (2)(A)(i) Any time a court orders child support, the court shall
33 order the noncustodial parent to notify the custodial parent and, when
34 applicable, the Office of Child Support Enforcement of the Revenue Division
35 of the Department of Finance and Administration no later than fifteen (15)
36 days following any increase in gross income in an amount equal to, or more



1 than, twenty percent (20%) or more over a six (6) month period since the last
2 court order or more than one hundred dollars (\$100) per month. If the
3 noncustodial parent knows his or her income will increase that much over the
4 next six (6) months notice shall be given immediately.

5 (ii) The noncustodial parent shall include with the
6 notification verification of the amount of his or her current gross income
7 and home address.

8 (B) If the noncustodial parent fails to provide
9 information of an increase in his or her gross income as directed by the
10 court, and the custodial parent or the Office of Child Support Enforcement of
11 the Revenue Division of the Department of Finance and Administration must
12 petition the court to obtain the information, the custodial parent or Office
13 of Child Support Enforcement shall be entitled to recover costs and a
14 reasonable attorney's fee.

15 (C) Once notified of an increase, the Office of Child Support
16 Enforcement shall petition the court for a review and adjustment hearing
17 within thirty (30) days.

18 (D)(i) All income information received by the Office of
19 Child Support Enforcement shall only be used as permitted and required by
20 law.

21 (ii) All income information received by the
22 custodial parent shall be treated confidentially and used for child support
23 purposes only.

24 (b)(1) A change in the noncustodial parent's health insurance
25 status as defined in subdivision (b)(2) of this section shall constitute a
26 material change of circumstances sufficient to petition the court for review
27 and adjustment of the child support order according to the guidelines for
28 child support and the family support chart.

29 (2) For purposes of this section, the term "health insurance
30 status" shall mean that the noncustodial parent can obtain health insurance
31 through his or her employer or other group health insurance. Health
32 insurance shall be considered reasonable in cost if it is employment-related
33 or is other group health insurance, regardless of the service delivery
34 mechanism.

35 (3) In no event shall eligibility for or receipt of medicaid be
36 considered adequate provision for the child's health care needs in a child

1 support award.

2 (c) An inconsistency between the existent child support award and the
3 amount of child support that results from application of the family support
4 chart shall constitute a material change of circumstances sufficient to
5 petition the court for review and adjustment of the child support obligated
6 amount according to the family support chart after appropriate deductions
7 unless:

8 (1) The inconsistency does not meet a reasonable quantitative
9 standard established by the state, in accordance with subsection (a) of this
10 section; or

11 (2) The inconsistency is due to the fact that the amount of the
12 current child support award resulted from a rebuttal of the guideline amount
13 and there has not been a change of circumstances that resulted in the
14 rebuttal of the guideline amount.

15 (d) Any modification of a child support order which is based on a
16 change in gross income of the noncustodial parent shall be effective as of
17 the date of filing of any necessary pleading.

18 (e) When a person is ordered by a court of record to pay for the
19 support of his or her children under the age of eighteen (18) years, the
20 court, at the time an order of support is made or any time thereafter, upon a
21 showing of good cause, may order periodic drafts of his or her accounts at a
22 financial institution to deduct moneys due or payable for child support in
23 amounts the court may find to be necessary to comply with its order for the
24 support of the children under the age of eighteen (18) years.

25 /s/ Hutchinson
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